IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

CRP.No. 951 of 2007()

A7-SM.7/76/MVA/2007 of TALUK LAND BOARD, MUVATTUPUZHA
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REVN. PETITIONERS:
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1. **P.D.VARGHESE, S/O.VARKEY DAVID, PULINATTU, (SARA BHAVAN), PATHIRIYADU, KOOTHUPARAMBA, THALASSERY.**

2. **P.D.CHINNAMMA, D/O.VARKEY DAVID, (W/O.MATHAI), PARAKUDY VEEDU, NELLIMATTOM P.O., KAVALANGADU, KOTHAMANGALAM.**

3. **P.D.GEORGE, S/O.VARKEY DAVID, PULINATTU, THRIKKALATHOOR, MULAVOOR.**

4. **P.D.ISSAC, S/O.VARKEY DAVID, PULINATTU, MANARY KARA, MULAVOOR.**

5. **SOMY.P.DAVID, D/O.VARKEY DAVID (W/O.THAMPY), KAKKANATTU, KANNACKAL, VALAKOM.**

BY ADV. SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT.SARAMMA CHERIAN
SMT.ASHA CHERIAN
SRI.P.M.SANEER

RESPONDENTS:
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1. **THE CHAIRMAN, TALUK LAND BOARD AND REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA.**

2. **MEMBER, TALUK LAND BOARD AND TAHSILDAR, MUVATTUPUZHA.**

3. **STATE OF KERALA REPRESENTED BY THE SECRETARY, (REVENUE), SECRETARIAT, TRIVANDRUM.**

BY GOVERNMENT PLEADER SMT. R. BINDU.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NOS.2720 & 2721 OF 2007
IN
C.R.P. NO.951 OF 2007

DISMISSED

7/11/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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C.R.P. NO. 951 OF 2007

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Dated this the 7th day of November, 2007.

O R D E R

This revision petition is preferred against the order of the Taluk Land Board No.A7/5M/7/76/Muvattupuzha dated 11.9.07. By the said order the Taluk Land Board has directed the revision petitioners to surrender 3.07 acres of land from Sy.No.994/1-T of Mulavoor village. The declarents had opted to surrender 15 cents from 1994/1-T, 1.85 acres from Sy.No.994/65 and1.07 acres from 994/60. The Land board held that they are not in possession of that property and rejected their request and ordered them to surrender 3 acres and 7 cents from 994/1-T. It is against that decision the present revision is preferred.

2. The learned counsel for the revision petitioner submits that the Sy.No. Shown as 994/70 - Part A statement having an extent of 4 acres 80 cents is now in Sy.No.994/1-T. He would further submit that 994/1-A having an extent of 3 acres shown in part A statement is now in 994/60 and also called as 994/1-A-60. So far as 994/1-A one acre and 85

cents is concerned it is submitted at present it is No.994/65 also 994/1A-65. Whatever it may be the area even now proposed to be taken possession of really does not form part of part - A statement going by the Sy.No. So definitely there is some change of survey numbers and it is a factor that has to be looked into. The revision petitioner has also produced a sketch along with this revision petition which will also indicate about the present survey numbers of the property. The Land Board has not considered the matter in that perspective and has jumped to the conclusion without applying its mind. Therefore, the order under challenge is set aside and the matter is remitted back to the Taluk Land Board for consideration of the above contentions raised by the revision petitioner as discussed by me in the previous paragraphs. The revision petitioner shall also produce a sketch and if necessary adduce evidence in support of his contentions and the Taluk Land Board can decide and dispose of the matter in accordance with law after hearing the parties. The Taluk Land Board is directed to issue notice for appearance of the

parties with sufficient time for them to appear.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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